

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

TED A. WROBEL,

VS .

COMMONWEALTH EDISON,

Complaint as to
billing/charges in Chicago,
Illinois.

Chicago, Illinois
May 8, 2008

Met, pursuant to notice, at Chicago.

BEFORE :

JOHN T. RILEY, Administrative Law Judge

APPEARANCES :

TED A. WROBEL via telephone
505 North Lake Shore Drive
Unit #1101
Chicago, Illinois 60611
appearing pro se;

1 MARK L. GOLDSTEIN PC, by
2 MR. MARK L. GOLDSTEIN
3 108 Wilmot Road
4 Suite 330
5 Deerfield, Illinois 60015
6 (847) 580-5480
7 appearing for Commonwealth Edison;
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I N D E X

			Re-	Re-	By
<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>direct</u>	<u>cross</u>	<u>Examiner</u>

None .

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
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None .

1 JUDGE RILEY: Pursuant to the direction of the
2 Illinois Commerce Commission, I call Docket 07-0545.
3 This is a complaint by Mr. Ted A. Wrobel versus
4 Commonwealth Edison Company, a complaint as to
5 billing and charges in Chicago, Illinois.

6 Mr. Wrobel, you're still proceeding
7 pro se, that's without counsel?

8 MR. TED A. WROBEL: Correct.

9 JUDGE RILEY: And your mailing address is still
10 505 North Lake Shore Drive --

11 MR. TED A. WROBEL: Right.

12 JUDGE RILEY: -- in Chicago?

13 MR. TED A. WROBEL: It's Suite -- right. It's
14 Suite 1101.

15 JUDGE RILEY: And that is the --

16 MR. TED A. WROBEL: It used to be 1103. And I
17 think that is part of the problem that I pointed out
18 on several occasions with the billing problems and
19 the statement problems.

20 JUDGE RILEY: All right. Mr. Wrobel, who is
21 talking in the background?

22 MR. TED A. WROBEL: I don't know, just a number

1 of people.

2 JUDGE RILEY: It just makes it very difficult
3 to carry on a clear conversation.

4 All right. You have requested a --
5 you left me a message requesting a continuance due to
6 your -- due to a medical condition?

7 MR. TED A. WROBEL: Yeah, the doctor says in
8 two weeks this should be remedied.

9 JUDGE RILEY: Okay. But is this the same
10 medical condition that you've been requesting
11 continuances for over the last six months?

12 MR. TED A. WROBEL: No, this is something
13 separate and indifferent. It's escalated -- it's a
14 heart-related medical --

15 JUDGE RILEY: Okay. Mr. Goldstein, would you
16 enter an appearance for Commonwealth Edison, please.

17 MR. GOLDSTEIN: Yes. On behalf of Commonwealth
18 Edison Company, Mark L. Goldstein, 108 Wilmot Road,
19 Suite 330, Deerfield, Illinois, 60015. My telephone
20 number is (847) 580-5480.

21 And I have with me today John Parise
22 and Gay Gallapo of ComEd.

1 JUDGE RILEY: Thank you.

2 Now, Mr. Wrobel, you -- on your
3 complaint you said that the address that you're
4 complaining about is 505 North Lake Shore Drive,
5 Apartment 1101, in Chicago.

6 MR. TED A. WROBEL: Correct.

7 JUDGE RILEY: What -- you made some reference a
8 minute ago to Apartment 1103. What was the 1103?

9 MR. TED A. WROBEL: Right. I used to reside in
10 1103.

11 JUDGE RILEY: Is that -- is your Commonwealth
12 Edison service at 1103 part of this complaint?

13 MR. TED A. WROBEL: No, it is not.

14 JUDGE RILEY: All right. So 1101 is the only
15 one we have to worry about.

16 MR. TED A. WROBEL: Right. But my mail goes to
17 1103.

18 JUDGE RILEY: Well, I'm -- but Commonwealth --

19 MR. TED A. WROBEL: And it has in the past.

20 JUDGE RILEY: The Commonwealth Edison service
21 that we're talking about is Unit 1101; is that
22 correct?

1 MR. TED A. WROBEL: Correct.

2 JUDGE RILEY: All right. Then we're not

3 concerned where the mail goes.

4 You've requested a continuance due to

5 an acute medical condition, you say something to do

6 with your high blood pressure.

7 MR. TED A. WROBEL: Well, that and also the

8 documentation that I'm going to need to go through

9 discovery with you since the inception of the rate

10 increase, the 12 percent rate increase that went into

11 effect. I'm petitioning that it is certainly more

12 than the 12 percent increase as part of the aggregate

13 of the complaint.

14 JUDGE RILEY: Now, this excessive rate increase

15 of 12 percent, was that for your billings only or was

16 that across the board?

17 MR. TED A. WROBEL: Right. For my billing only

18 not -- for my unit.

19 MR. GOLDSTEIN: Hello?

20 MR. TED A. WROBEL: Yes.

21 JUDGE RILEY: Yeah, hold on a minute.

22 All right. Mr. Goldstein, what is

1 your response to the Complainant's motion for a
2 continuance at this time?

3 MR. GOLDSTEIN: I'm going to object to it,
4 Judge. I've got my witness here today. If
5 Mr. Wrobel wanted a continuance -- we've gone through
6 this process a few times before this -- he knows all
7 he has to do is contact me and talk to me about a
8 continuance. I've got my witness here today. He has
9 not contacted me.

10 The issue that he's raised this
11 morning about the rate increase has nothing at all to
12 do with his formal written complaint --

13 MR. TED A. WROBEL: Well --

14 JUDGE RILEY: Excuse me. Mr. Goldstein is
15 responding.

16 MR. GOLDSTEIN: His formal written complaint
17 talks about not being able to receive statements and
18 having meter reading problems. That has nothing at
19 all to do with any rate increase by Commonwealth
20 Edison Company.

21 My witness is here today. We're ready
22 to proceed. And he has never contacted me either

1 with respect to continuing the case this morning or
2 any problems that he may have had obtaining
3 information or data requests or any other kind of
4 discovery so that he could proceed with his
5 complaint.

6 He's held to the same standard of an
7 ability to obtain discovery that I would be and --
8 even though he's pro se. And it's time to proceed
9 with this.

10 The matter has been up several times
11 before. It cannot be resolved without going to
12 formal evidentiary hearing. And I'm ready to proceed
13 this morning and ask that we hold the hearing even
14 with him on the phone this morning and go forward and
15 finish this matter. It's been up for the last six or
16 seven months and it needs to be completed.

17 JUDGE RILEY: Let me ask a clarifying question,
18 Mr. Goldstein. On the complaint it says, As to
19 reason for complaint. It specifically says,
20 Excessive rate increase due to meter reading
21 problems. That is his complaint.

22 MR. GOLDSTEIN: Well, but his -- exactly -- but

1 it's --

2 MR. TED A. WROBEL: Yeah, that's a portion of
3 the complaint.

4 JUDGE RILEY: All right. Let me get --
5 Mr. Goldstein.

6 MR. GOLDSTEIN: But as I read that, I read it
7 as him having problems with meter readings, not with
8 the fact that there was a rate increase. Maybe I
9 misread it.

10 MR. TED A. WROBEL: No, that's -- these are
11 just one as separate and indifferent.

12 MR. GOLDSTEIN: Well, but -- the bottom line of
13 it all is he had the opportunity to serve me with
14 discovery for the last six months, and if he had that
15 problem, he has not done so --

16 MR. TED A. WROBEL: Well, as I disclosed to
17 you, I've had an acute medical situation.

18 MR. GOLDSTEIN: Well, that acute medical
19 situation could not have lasted every single day for
20 the last six months.

21 JUDGE RILEY: All right. Let's -- without
22 getting into --

1 MR. TED A. WROBEL: Well, Counsel, you are not
2 a doctor so --

3 JUDGE RILEY: All right. Strike that.

4 Now, Mr. Wrobel, are you prepared to
5 any extent to proceed today with your hearing -- with
6 your complaint?

7 MR. TED A. WROBEL: Well, what alternatives do
8 I have? I'm saying no.

9 JUDGE RILEY: You -- at no time did you make a
10 discovery request to either this court or to
11 Mr. Goldstein for those statements. You've been
12 dealing with someone at ComEd on your own.

13 MR. TED A. WROBEL: Right. And I've been
14 getting nothing but retaliation and no cooperation in
15 getting statements.

16 MR. JOHN PARISE: Your Honor, he doesn't see
17 this document --

18 This is John Parise, Mr. Wrobel -- but
19 the documents that I gave you and I'm willing to give
20 to the Court today really show what he requested. It
21 shows the front piece of the document is the usage on
22 the meter and the reading. The second piece is the

1 most important one where it shows where the bills are
2 being mailed to. And you can very clearly see on
3 here that the bills are being mailed to Unit No. 1101
4 at that address.

5 And you can also see that Mr. Wrobel
6 has not made any payments since May of 2007.

7 JUDGE RILEY: All right.

8 MR. TED A. WROBEL: Well, I'm disputing, like I
9 said, the readings and the rates.

10 MR. JOHN PARISE: And that's okay, Mr. Wrobel.

11 I want to put on the record, too, that
12 in ten days I'm going to cut the power off to that
13 facility if no payments are received. Just so you
14 know that -- on the record -- I'm giving you ten days
15 to make a substantial payment or to enter into a
16 deferred payment arrangement or I'm going to cut the
17 power off.

18 MR. TED A. WROBEL: Well, that's what I tried
19 to enter into and I received nothing but
20 retaliation --

21 MR. JOHN PARISE: Okay. That's okay. Let's
22 talk --

1 JUDGE RILEY: All right. Strike it. Just stop
2 the conversation right now. I'm going to make a note
3 in my -- here. And, I mean, I'm not going to get
4 into any arguments over this. I'm not going to
5 listen to any arguments.

6 MR. JOHN PARISE: Your Honor, while you're
7 making your note, can I --

8 (Whereupon, a discussion was had
9 off the record.)

10 JUDGE RILEY: Mr. Wrobel, I'm not the least bit
11 disposed to grant another continuance in this matter.
12 Your continuing medical conditions -- these acute
13 medical conditions surface every time we have a
14 hearing scheduled or a status. You're unable to
15 appear, you're unable to go forward, and this matter
16 has been continued each and every time since it was
17 filed November 7, 2007.

18 And I'll go back to a statement that I
19 made some time ago. It does not appear that your
20 medical condition is going to allow you to pursue
21 your complaint.

22 Now, again, Counsel has his witness

1 here. It was clearly understood that he was going to
2 appear -- that you were going to appear for hearing,
3 that we were going to proceed today, and that we were
4 going to dispose of this matter one way or another.

5 And now yet you've called again and
6 said you can't --

7 MR. TED A. WROBEL: Well, can we do it in a
8 week when I can get the proper paperwork forwarded to
9 me?

10 JUDGE RILEY: This is the first I've heard of
11 this proper paperwork. When did this surface?

12 MR. TED A. WROBEL: Listen, I have requested
13 this from Day 1, since inception.

14 JUDGE RILEY: From whom?

15 MR. TED A. WROBEL: From a Richard Gonzalez in
16 the --

17 JUDGE RILEY: We don't know of any Richard --

18 MR. TED A. WROBEL: -- office.

19 JUDGE RILEY: I'm sorry. This Court does not
20 know of any Richard Gonzalez. We have no knowledge
21 that you were trying to get any paperwork from
22 Commonwealth Edison. Now all of a sudden that's an

1 issue.

2 MR. TED A. WROBEL: Yep.

3 JUDGE RILEY: That's not how the process works.
4 You should have advised us immediately -- should have
5 advised this Court immediately that you were trying
6 to get a discovery request or you should have
7 conveyed that to Mr. Goldstein. And yet you said
8 nothing to him or to me.

9 MR. TED A. WROBEL: You're trying to shift the
10 burden of this continuance on the basis that I don't
11 have the paperwork. Well, how can I present my case
12 if I don't have adequate paperwork from Commonwealth
13 Edison?

14 JUDGE RILEY: My answer is it does not appear
15 that you can present your case without the proper
16 paperwork; but you didn't make any effort to go
17 through this Court to obtain the proper paperwork,
18 and you didn't advise Mr. Goldstein.

19 MR. TED A. WROBEL: Well, where is the listing
20 of procedure and process in that?

21 JUDGE RILEY: You simply should have told me.
22 But we have -- there are a whole body of rules that

1 govern these proceedings, 83 Illinois Administrative
2 Code.

3 But on top of that -- on top of even
4 the matter of the discovery, is that -- your
5 continuing medical condition. When are you going to
6 go to hearing? You say you need another week, two
7 weeks and everything will be fine.

8 MR. TED A. WROBEL: That's correct.

9 JUDGE RILEY: Now, we've heard that before.

10 MR. TED A. WROBEL: Well it's not unreasonable
11 to give me two weeks. They've got me on a litany of
12 medication -- blood pressure medicines that seem to
13 be working a little better slowly day by day.

14 MR. GOLDSTEIN: Well --

15 JUDGE RILEY: Mr. Goldstein.

16 MR. TED A. WROBEL: I have no problem in
17 meeting with you in ten days.

18 MR. GOLDSTEIN: The simple solution is for this
19 matter to be dismissed. Mr. Wrobel -- you can
20 dismiss it without prejudice. Let Mr. Wrobel -- when
21 he's physically able to come to the Commission and
22 present his case, to file another complaint --

1 there's no charge for that -- and let's at least
2 finish this complaint.

3 He's never contacted me requesting
4 another continuance. He's made the same assertions
5 in conversations that we've had, Judge, with
6 Mr. Wrobel when he has requested a continuance, that
7 it's just going to be another two weeks before he's
8 going to be able to -- his doctor will be able to
9 allow him to present his case before the Commission.

10 And it's the same old story
11 constantly. If he had any requests for discovery,
12 bills or whatever else, he --

13 MR. TED A. WROBEL: Well, also the meter
14 reading. I mean, our building engineer -- our
15 building engineer -- I mean, we compared meter
16 readings from my similar unit from right across the
17 hall to my unit that I reside in now. And even our
18 building engineer says that that meter reading is
19 off --

20 MR. GOLDSTEIN: Well, he has the right to come
21 in with any witness --

22 MR. TED A. WROBEL: -- comparable units in the

1 building.

2 MR. GOLDSTEIN: He had a right to come in with
3 any witness he wanted to call. And he has not done
4 any of this, Judge. He's not asked for discovery --

5 MR. TED A. WROBEL: Well, that's the purpose of
6 me requesting a continuance. I've got to be able to
7 put together these witnesses.

8 JUDGE RILEY: Well, Mr. Wrobel, see, this is
9 something you should have been doing for the last
10 five or six months.

11 MR. TED A. WROBEL: I've had a medical problem.

12 JUDGE RILEY: Well, again, going back to the
13 medical problem, it's a continuing medical problem
14 that prevents you from pursuing this case. And
15 Mr. Goldstein is absolutely correct, you should
16 withdraw this matter or have it dismissed without
17 prejudice and then reinstitute the complaint when
18 you're feeling better and you can proceed. That's
19 what we're saying. We can't just continue --

20 MR. TED A. WROBEL: Well, my concern is further
21 retaliation from Commonwealth Edison --

22 JUDGE RILEY: There's no evidence --

1 MR. TED A. WROBEL: -- in cooperating with some
2 type of, A, payment arrangement in the interim so my
3 power is not shut off and my medical needs are able
4 to be attended to.

5 JUDGE RILEY: I think we have a solution here.
6 Would you be willing to confer with Mr. Parise right
7 now for some kind of a payment arrangement?

8 Mr. Parise, would you be willing to --

9 MR. JOHN PARISE: Yes, your Honor.

10 JUDGE RILEY: Mr. Parise would be very glad to
11 do that.

12 And in the meantime the remainder of
13 the solution of this matter is to accept
14 Mr. Goldstein's motion to dismiss the matter without
15 prejudice and when you are feeling physically able to
16 proceed, reinstitute your complaint and you can
17 pursue it.

18 MR. TED A. WROBEL: Well, what happens in the
19 interim period? I'm subject to -- subject to what
20 guidelines and bylaws in the interim period?

21 JUDGE RILEY: I don't understand that
22 statement.

1 MR. TED A. WROBEL: Well, I don't understand
2 your statement and then you saying -- you're asking
3 me to dismiss the case.

4 JUDGE RILEY: No. No. No.

5 MR. TED A. WROBEL: I'm saying, why should I
6 dismiss the case?

7 JUDGE RILEY: No, Mr. Wrobel.

8 MR. TED A. WROBEL: I have a right for a fair
9 and unbiased hearing.

10 JUDGE RILEY: If you're going -- if you're
11 going to proceed -- and you've repeatedly asked for
12 continuances after you've been given hearing dates
13 because you're medically unable to proceed -- wait
14 until you are medically able to proceed. Refile your
15 complaint and pursue it.

16 In the meantime --

17 MR. TED A. WROBEL: Okay. My question to you
18 is will -- health and well-being be endangered if
19 they shut off the power until I do an additional
20 filing tomorrow?

21 JUDGE RILEY: No, I'm not following your
22 question. What additional filing would you --

1 MR. TED A. WROBEL: I don't know how to be more
2 clear. I'm worried about my health and well-being
3 and Commonwealth Edison shutting off the power during
4 the interim period --

5 JUDGE RILEY: All right. Listen to me --

6 MR. TED A. WROBEL: -- if we do dismiss the
7 case and I refile another case. Can you -- do you
8 understand that?

9 JUDGE RILEY: Yes. Let me explain again. It's
10 a twofold --

11 MR. TED A. WROBEL: Please explain the process.

12 JUDGE RILEY: It's a twofold --

13 MR. TED A. WROBEL: I do not want to be put in
14 harm's way medically because they have elected to
15 terminate service when I have not been able to sense
16 the proper facts.

17 JUDGE RILEY: You can arrange -- if you can
18 arrange with Mr. Parise today -- he is in the room
19 here -- for a payment arrangement, that would avoid
20 the very shutoff that you're concerned about.

21 In the meantime, Mr. Goldstein has
22 made a motion to dismiss this matter for lack of

1 prosecution. You've objected to that. I am going to
2 write a memorandum to the Commission explaining the
3 circumstances of this matter and simply advise the
4 Commission to terminate --

5 MR. TED A. WROBEL: What's the proper word, to
6 reinstate the case?

7 JUDGE RILEY: Listen to me.

8 MR. TED A. WROBEL: Yes.

9 JUDGE RILEY: I'm going to send a memo to the
10 Commission advising them to dismiss this matter
11 without prejudice. And at such time as you are
12 physically able to proceed, you can refile your
13 complaint. There will be no impediment to you
14 refiling your complaint. And then you can come in
15 and pursue the issues.

16 MR. TED A. WROBEL: So tomorrow I can come in
17 and refile my claim?

18 JUDGE RILEY: Well -- no. No. You can't
19 refile --

20 MR. TED A. WROBEL: Is there a cooling off
21 period? A waiting period? Explain to me how this
22 works.

1 JUDGE RILEY: I will write a memo to the
2 Commission. The Commission meets at particular
3 times, specific scheduled dates. I will get it to
4 the Commission as soon as I can. They will either
5 agree to dismiss the matter or not agree to dismiss
6 the matter. You will be advised one way or the
7 other.

8 If they do dismiss this case, it would
9 be without prejudice to your right to refile the
10 complaint. And I will try to get it to the
11 Commission by the end of May, otherwise no later than
12 the first Commission session in June.

13 In the meantime, you will have agreed
14 with Mr. Parise to some sort of a payment plan to
15 avoid shutoff of your electrical service so that you
16 will have electrical service during this period. And
17 then when you are feeling physically able, you may
18 re- -- you can refile your complaint and pursue it.
19 But this complaint should be dismissed.

20 MR. TED A. WROBEL: But it's subject to the
21 Commission determining whether or not I can refile
22 it --

1 JUDGE RILEY: No --

2 MR. TED A. WROBEL: -- am I correct?

3 JUDGE RILEY: -- it would say "without
4 prejudice." And that means that you are not
5 prejudiced to refileing the complaint.

6 MR. TED A. WROBEL: The question is, is will
7 they accept the complaint?

8 JUDGE RILEY: I feel very strongly that they
9 would.

10 MR. TED A. WROBEL: Okay.

11 JUDGE RILEY: So let's --

12 MR. TED A. WROBEL: So where do we proceed from
13 here? I am exhausted.

14 JUDGE RILEY: All right. What I am going to do
15 is I am going to go off the record. I'm going to --

16 MR. JOHN PARISE: Your Honor?

17 JUDGE RILEY: Yes.

18 MR. JOHN PARISE: Excuse me. I'm sorry.

19 JUDGE RILEY: Okay.

20 MR. JOHN PARISE: I'd like to stay on the
21 record while we discuss his payment arrangements, if
22 that's all right with you.

1 MR. TED A. WROBEL: I mean, I literally cannot
2 continue more than a minute or two here.

3 MR. JOHN PARISE: Well, let me -- just in case
4 you have to hang up, Mr. Wrobel, I'm putting you on
5 notice that if you don't make and keep these
6 arrangements, we're going to cut you off in ten days,
7 for the record.

8 MR. TED A. WROBEL: Well, I need a little more
9 time than that. We've got to work out some numbers.

10 MR. JOHN PARISE: I can't give you any more
11 time than that. Your down payment --

12 MR. TED A. WROBEL: Well, wait a minute. You
13 don't dictate to the Commission these terms and
14 agreements.

15 JUDGE RILEY: Well, hold on, Mr. Wrobel --

16 MR. TED A. WROBEL: This is the purpose for
17 these hearings.

18 MR. JOHN PARISE: These are the rules of the
19 Commission, Mr. Wrobel. I am quoting the rules.
20 It's 25 percent down.

21 JUDGE RILEY: Mr. Wrobel, let me explain
22 again -- is that Mr. Parise is offering you a way to

1 keep your service going while you wait for your
2 health to improve so that you can refile your
3 complaint.

4 MR. TED A. WROBEL: Right.

5 JUDGE RILEY: That's all this amounts to. Work
6 out some numbers. I'll step out of the room.
7 They'll stay on the record.

8 MR. TED A. WROBEL: That's what I want to do is
9 work out some numbers with them.

10 MR. JOHN PARISE: Those are the numbers, your
11 Honor.

12 JUDGE RILEY: Well, okay.

13 MR. JOHN PARISE: Those are the numbers.

14 MR. TED A. WROBEL: He tells me what his
15 numbers are and I'm saying, well, no, those should
16 not --

17 MR. JOHN PARISE: Those are based on the rules
18 of the Commission.

19 MR. TED A. WROBEL: -- we come to some mutual
20 agreement here.

21 MR. JOHN PARISE: No, this -- I can't do that,
22 Mr. Wrobel. These are the rules of the Commission.

1 Our down payment for the deferred payment program is
2 25 percent. 25 percent of what you owe now is
3 502.43. That's the rules of the Commission.

4 MR. TED A. WROBEL: Well, what I'm saying is I
5 need some additional consideration.

6 MR. JOHN PARISE: I'm sorry. It's not there.
7 You haven't made a payment for a year.

8 MR. TED A. WROBEL: Well, if you're not willing
9 to accept this, then I'm not willing to dismiss this
10 case.

11 MR. JOHN PARISE: Well, that's fine, then let's
12 go to hearing.

13 MR. GOLDSTEIN: I'm ready to go to hearing,
14 Judge.

15 MR. TED A. WROBEL: And I would like a
16 continuance so I can go to a hearing in a week or
17 two.

18 JUDGE RILEY: All right. Mr. Wrobel, we've
19 been over all this. And I am not going to grant your
20 motion for continuance. So you're either going to
21 have to proceed or I'm going to have to take the
22 motion to dismiss and close the record.

1 Now, you've been offered every
2 courtesy here, by both the Commission and by
3 Commonwealth Edison, and you've been very
4 uncooperative.

5 MR. TED A. WROBEL: Well, the terms that they
6 are offering are unreasonable.

7 JUDGE RILEY: I --

8 MR. TED A. WROBEL: I mean, if they're willing
9 to negotiate some leniency on these terms, then that
10 would be acceptable.

11 JUDGE RILEY: No, I think we've covered
12 everything we're going to cover, Mr. Wrobel. You're
13 going to have to go to hearing or take the motion to
14 dismiss and close the record. It's one of those two
15 right now.

16 MR. TED A. WROBEL: Well, I'm happy to go to
17 hearing next week.

18 JUDGE RILEY: Not next week. We go today; we
19 go here right now. And I need --

20 MR. TED A. WROBEL: Well, we're at an impasse
21 and I don't feel like I'm getting a fair -- a fair
22 hearing or a fair verdict on my request.

1 JUDGE RILEY: Then, Mr. Goldstein, do you have
2 a motion to make?

3 MR. GOLDSTEIN: Yeah, I'd like to make an oral
4 motion to dismiss. I assume by Mr. Wrobel's
5 statements that he's not prepared to proceed today,
6 and I would like to make a motion to dismiss for want
7 of prosecution and would ask that you issue a
8 proposed order dismissing this matter without
9 prejudice, so that in the event that Mr. Wrobel at
10 some point in time is prepared to proceed with his
11 complaint, he may do so.

12 JUDGE RILEY: Mr. Wrobel, it's my understanding
13 you object to counsel's motion to dismiss.

14 MR. TED A. WROBEL: Well, the problem is this
15 representative from Commonwealth Edison wants \$500.
16 And I'm in no position to make a \$500 payment in 10
17 days.

18 JUDGE RILEY: Then it's --

19 MR. TED A. WROBEL: I could make a payment of
20 \$250 or 300.

21 JUDGE RILEY: Well, I think that Commonwealth
22 Edison has set forth their terms. Obviously they're

1 not going to accept anything less than the --

2 MR. TED A. WROBEL: Well, then you put me in
3 harm's way with my medical condition.

4 JUDGE RILEY: I don't know what else to tell
5 you. As you said yourself, we're at an impasse here.

6 MR. TED A. WROBEL: And that was my --
7 partially a reason for me going to the Commission
8 because I don't want to be put in harm's way because
9 of my medical condition with power interruption.

10 JUDGE RILEY: All right. Well, you know what
11 the terms are for you to avoid the power
12 interruption.

13 MR. TED A. WROBEL: Well, that's --

14 JUDGE RILEY: It's been very specially stated.

15 MR. TED A. WROBEL: -- what we're at the
16 impasse and I'm turning to you as a mediator in this
17 to say, Well, let's work out some numbers.

18 JUDGE RILEY: I'm not -- that's incorrect. I'm
19 not a mediator. I'm an administrative law judge. I
20 do not -- I'm not --

21 MR. TED A. WROBEL: Well, as an administrative
22 law judge.

1 JUDGE RILEY: I don't have any authority to
2 dictate terms to Commonwealth at this stage of the
3 proceeding as to what they can require to keep your
4 service going.

5 MR. TED A. WROBEL: Well, they --

6 JUDGE RILEY: Now --

7 MR. TED A. WROBEL: Since when do they dictate
8 the terms to the Commission? I mean, I know you got
9 a symbiotic relationship with Commonwealth Edison, to
10 begin with.

11 MR. GOLDSTEIN: Judge, the 25 percent deferred
12 payment arrangement is part of the Commission's
13 rules. It's not something that ComEd dictates to the
14 Commission; but, rather, what the Commission dictates
15 to ComEd and what should be a reasonable amount as a
16 deferred down payment on a deferred payment
17 arrangement.

18 JUDGE RILEY: The rules governing these
19 proceedings, Mr. Wrobel, were enacted by the
20 Commission.

21 MR. TED A. WROBEL: All right. I'm turning to
22 your counsellor, would you advise your client --

1 would your client accept a payment of \$300?

2 MR. GOLDSTEIN: The answer is no, Mr. Wrobel.

3 JUDGE RILEY: Mr. Parise set forth a specific

4 sum of money that would be needed. It was 25 --

5 MR. TED A. WROBEL: Well, I can't make that in

6 ten days. I can make that at the end of the month.

7 I can assure a payment of that at the end of the

8 month.

9 JUDGE RILEY: No. As I said, I don't see we're

10 getting anywhere.

11 MR. GOLDSTEIN: Has there been a ruling made on

12 my motion to dismiss, Judge --

13 MR. TED A. WROBEL: That I'm going to have to

14 take under advisement.

15 MR. GOLDSTEIN: Are we going to close the

16 record today?

17 JUDGE RILEY: It appears we will, yes.

18 Mr. Wrobel, I don't think you've left

19 me any other choice. You have to either proceed or

20 enter into the agreement with Mr. Parise and take

21 the --

22 MR. TED A. WROBEL: Well, I'm happy to enter

1 into an agreement. But it's just dates and amounts
2 right now. I'm more that happy to make a \$500
3 payment at the end of the month. What's today's
4 date?

5 JUDGE RILEY: Today is May 8.

6 MR. TED A. WROBEL: May 8th.

7 MR. JOHN PARISE: Your Honor, if I saw that
8 this Mr. Wrobel was making any effort whatsoever to
9 pay the bill, I'd be more likely to make some
10 arrangements out of the ordinary. But as I
11 mentioned, he hasn't made a payment for --

12 MR. TED A. WROBEL: I mean, you got to be able
13 to cooperate --

14 JUDGE RILEY: Excuse me. Excuse me.

15 Mr. Parise, please finish your
16 statement.

17 MR. JOHN PARISE: As I mentioned before, your
18 Honor, he hasn't made a payment for one year.

19 JUDGE RILEY: I'd say that's highly
20 cooperative, Mr. Wrobel.

21 MR. TED A. WROBEL: Well, I need to the end of
22 the month to make that payment.

1 JUDGE RILEY: It's my understanding that
2 Commonwealth Edison's not going to grant you any
3 further time. They said by -- what was the date?
4 MR. JOHN PARISE: Ten days from today, May
5 18th.
6 JUDGE RILEY: May 18th, you're going to have to
7 have that \$500 in. And that's their terms. That's,
8 according to the rules.
9 MR. TED A. WROBEL: Well, let's negotiate
10 something.
11 JUDGE RILEY: It doesn't -- again, I'm not a
12 mediator. And I cannot compel Commonwealth Edison to
13 negotiate. Their terms have been set forth and I
14 don't think they're going to budge.
15 MR. TED A. WROBEL: Well, then we'll just keep
16 staying on the phone until they're willing to budge.
17 JUDGE RILEY: No, I'm not going to do that
18 either. I'm not going to do that either, Mr. Wrobel.
19 I think everybody's been very patient,
20 very understanding, very accommodating here.
21 MR. TED A. WROBEL: Well, I dispute that.
22 JUDGE RILEY: All right. That's -- you're

1 certainly free to do so.

2 Mr. Goldstein, I'll take your motion
3 under advisement, and I will issue a proposed order
4 to the parties.

5 MR. GOLDSTEIN: I would also ask that you mark
6 this record heard and taken, Judge.

7 JUDGE RILEY: Mr. Wrobel --

8 MR. TED A. WROBEL: Hello? I can't hear you.

9 JUDGE RILEY: Mr. Goldstein has --

10 MR. TED A. WROBEL: I'm losing phone power
11 here.

12 JUDGE RILEY: All right. Mr. Wrobel, we're
13 going to have to -- I'm going to have to close this
14 record. I think we've covered everything that we can
15 possibly cover.

16 So that being the case, I am going to
17 direct the court reporter to mark this matter heard
18 and taken and I will prepare a proposed order
19 addressing Mr. Goldstein's motion to dismiss.

20 Thank you very much. Good day.

21 MR. GOLDSTEIN: Thank you.

22 (Heard and taken.)